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| 09/697,554 | 10/26/2000 | Akihiro Yamada | SONY-U0362 | 4006 |

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EXAMINER

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| ART UNIT | PAPER NUMBER |
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3714

DATE MAILED: 02/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/697,554

Applicant(s)

YAMADA, AKIHIRO

Examiner

Corbett B. Coburn

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Specification

1. The amended title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Game Software Delivery Network Using Image Compression.

2. Applicant's Amendment has overcome the objections to the abstract, which are hereby rescinded.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 & 3-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Crawford (US Patent Number 5,771,354).

Claims 1, 9, & 14: Fig 3 shows a server device (104), a display device (54) and a game executing device (68). The server device has an information storage unit (116 & 118) for storing game software. (Col 2, 15 & 16) Crawford discloses that game software may be sent to a computer via communications lines (150) that are external to the server device, display device, and the game executing device and stored on the information storage unit. (Col 3, 37-39) There is an information transmitting means (102) for reading software from the storage unit in response to a request received via digital communications line

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(150) and transmitting the information to the game executing device. The game executing device has game selection command input devices (56 & 58) and a game selection request transmission means (80) for transmitting the selection to the server. The keyboard (56) and mouse (58) are game control input means. The modem (80) is an information request transmission means. The processor (68) is an information acquisition means and an image generation means and an image information acquisition means.

There is a display device (54) for displaying images of the game.

Claims 3, 10, & 15: Crawford teaches a server that contains an additional information acquisition means (106) that gets additional information via a communications link (150) and stores it to the storage unit (116). There is an additional information transmission means (102). The game executing device (50) has an additional information selection command input means (56) and an additional information request transmission means (80).

Claims 4, 11, & 16: Crawford teaches communication line connecting means (80) that is also an information request transmission means that transmits a request for desired information to the service provider via a communications line (150).

Claims 5, 12, & 17: Crawford teaches tracking, recording, storing, and updating usage history in order to perform accounting and billing. (Fig 8B, 414, 422, etc.) Recitation of a function includes teaching the hardware necessary to carry out that function.

Claims 6, 13, & 18: Crawford teaches communication line connecting means (80) that is also a usage history information transmission means that transmits a request for desired information to the service provider via a communications line (150).

Claim 7: Fig 4 clearly teaches a digital serial bus.

Claim 8: Fig 4 clearly teaches wireless communications channels.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 & 19-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crawford as applied to claim 1 (as appropriate) in view of Internet Explorer®.

Claims 2, 19, 23, & 24: Crawford teaches the invention substantially as described.

Crawford teaches use of the Internet (Col 3, 37-39) but does not teach details of its use nor does Crawford explicitly describe use of compressed image data. Internet Explorer® is a well-known, prior art, web browser. (Copyright 1991-2001) The Joint Picture Expert Group (JPEG) image format was developed at least as early as 1997. JPEG images are a common image format for the Internet, Internet Explorer® supports the display of JPEG images. JPEG images are stored and transmitted as compressed files. In order to display the images, Internet Explorer® must receive, decompress, synthesize and cause the images to be displayed. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used Internet Explorer® to access the Internet in order to implement Crawford's disclosure concerning Internet use, thus giving the system the ability to process and display JPEG images.

Claim 20: Crawford teaches communication line connecting means (80) that is also an information request transmission means that transmits a request for desired information to the service provider via a communications line (150).

Claims 21 & 29: Crawford teaches tracking, recording, storing, and updating usage history in order to perform accounting and billing. (Fig 8B, 414, 422, etc.) Recitation of a function includes teaching the hardware necessary to carry out that function.

Claims 22 & 30: Crawford teaches communication line connecting means (80) that is also a usage history information transmission means that transmits a request for desired information to the service provider via a communications line (150). Transmission must be made in response to a usage history information transmission request or at a scheduled time.

Claim 25: Fig 13 shows an additional data acquisition step (521). Input, transmission, storage, reading, and processing steps are included in this step.

Claim 26: Fig 8A shows validating users (404A). Fig 13 clearly shows establishing communications, logging in, communication between game machine and server including request for information from the game software information provider.

Claims 27 & 28: Fig 13 (515, 520) shows an authentication step. If the customer has an account, information is provided to the customer (521). This implies an information permission transmission and reception step. Fig 8B discloses a billing step.

Claim 31: Fig 4 clearly teaches a digital serial bus.

Claim 32: Fig 4 clearly teaches wireless communications channels.

Response to Arguments

7. Applicant's arguments filed 3 December 2002 have been fully considered but they are not persuasive.

8. Applicant argues that Crawford's Fig 3 fails to show external communication lines. Communication line (150) is clearly external – it connects the Online Service System (100) and the Customer Computer (50). These are separate computers, thus a communication line that connects them must be external to each.

9. Applicant argues that Crawford's teaching that "A computer can use these online services to do useful things such as ... download a new video game program, " is invalid because it is in the description of the prior art. This is tantamount to saying that the description of the prior art "unteaches" everything described therein. Crawford clearly teaches sale of software over the described system. (Abstract) The cited passage merely points out that it is notoriously well known to the art for this software to be game software.

10. Applicant asserts that it is improper to rely upon allegations as to dates in respect to the JPEG data compression standard. Applicant is referred to Examiner's Affidavit dated 27 June 2002 that was attached to the previous office action. If Applicant wishes to challenge Examiner's Affidavit, Applicant should present evidence that Examiner did not use Internet Explorer as early as 1998 or evidence that the Internet Explorer did not support the JPEG data compression standard at that time.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

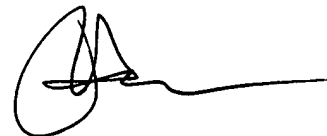
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



cbc

February 4, 2003



JESSICA HARRISON
PRIMARY EXAMINER